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**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/557,693    04/25/00    MCCARTEN

J

LARRY D JOHNSON  
SUITE 130  
175 N REDWOOD DRIVE  
SAN RAFAEL CA 94903

PM82/0719

EXAMINER
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TRAN A, P	
ART UNIT	PAPER NUMBER

3635  
DATE MAILED:

07/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.  
09/557,693

Applicant(s)  
James McCarten

Examiner  
Phi Dieu Tran A

Art Unit  
3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 5, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mellott.

Mellott (figures 1-3) shows a polygonal member having a center, an exterior surface, an interior surface, a plurality of sides (22), a lower edge, a plurality of faces (28) each one of which has an outer edge intersecting one of said sides and inclines upwardly from said side to converge at substantially the center of said polygonal member, a center connector having a center connecting bolt (36), a center connecting washer (32) positioned over said center connecting bolt, said center connecting bolt depending downwardly from said interior surface of said module when the module is laid flat on its lower edge, connection means (40) being a plurality of bolts (40) and complementary nuts (42), each of said sides having at least one aperture (52, 48) for insertion of said bolts, said center connector bolt being integrally formed into said polygonal member, the polygonal member being hexagonal, a disc member (34) being substantially circular and concentric with the center connector washer, said disc having a convex and a concave side, said convex side being in approximation with the interior surface of said module.

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3. Claims 1, 4-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Petty or Preissler.

4. Claims 1, 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dubinsky.

Dubinsky (figures 1,5,7,9-10) shows a module having a polygonal member having a center, an exterior surface, an interior surface, a plurality of sides, a lower edge, a plurality of faces each one of which has an outer edge intersecting one of said sides and inclined upwardly from said sides to converge at the center, a center connector having a center connecting bolt (figure 9), a center connecting washer(figure 9, its mating part) positioned over said center connecting bolt, said center connecting bolt depending downwardly from said interior surface of said module when said module is laid flat on its lower edge, connection means, (70,72), a disc member (82) being substantially circular and concentric with center connector washer, said disc having a convex and a concave side, said convex side in approximation with the interior surface of said module (60), the disc member having a circumference engaging the sides of the modules.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mellott.

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Mellott shows all the claimed limitations except for the polygonal member module being pentagonal.

It would have been obvious to one having ordinary skill in the art to modify Mellott to show the polygonal member module being pentagonal because hexagonal, pentagonal, decagonal, rectangular are all well-known shapes for a panel module.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dubinsky in view of Feldman.

Dubinsky shows all the claimed limitations except for the disc being made from polarized transparent material.

Feldman shows a disc being made from polarized transparent material.

It would have been obvious to one having ordinary skill in the art to modify Dubinsky to show the disc being made from polarized transparent material because it would enhance the viewing areas of Dubinsky's structure.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different module designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi Dieu Tran A whose telephone number is (703) 306-9136. The examiner

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can normally be reached on Monday to Thursday from 8:00 to 5:00. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Phi Dieu Tran A

PA

7/13/2001

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600